

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

OLIVER COFFEY,

Plaintiff,

vs.

**ITSUYOSHI INOHARA and ICHIRO
MACHIDA**, individuals, and **MARINEPOLIS
U.S.A., INC.**, a Delaware corporation,

Defendants.

Case No. 3:20-cv-00643-JR

ORDER AND JUDGMENT

Hon. Jolie A. Russo, United States Magistrate Judge

This matter comes before the Court on the parties’ Joint Motion for Final Court Approval of Class and Collective Settlement, Dkt. 17, and Class Counsel’s Motion for Award of attorney fees and costs and Plaintiff’s motion for approval of service payment, Dkt. 18. The Court has considered all papers filed and proceedings in this matter and is fully informed regarding the facts surrounding the proposed settlement. Based upon this information, the Court approves the proposed settlement as fair, reasonable, and adequate, and grants class counsel’s Motion for award of attorney fees and costs and plaintiff’s motion for approval of service payment, in the amounts and allocations and payment structure stated in the Exhibit attached to Dkt. 10 (the “Settlement Agreement”). The Court hereby enters this Class Action Settlement Order and Final Judgment (“Final Judgment”).

Plaintiff Oliver Coffey brings this action on behalf of himself and other similarly situated individuals against Defendants Mitsuyoshi Inohara, Ichiro Machida, and Marinepolis U.S.A., Inc.,

(collectively, “Defendants”) for alleged violations of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §§ 201-219, and other federal and state laws. On September 14, 2020, the Court granted preliminary collective certification under 29 U.S.C. § 216(b) (“§ 216(b)”) of the FLSA and preliminary class certification under Rule 23 of the Federal Rules of Civil Procedure (“Rule 23”). Dkt. 15. On October 16, 2020, plaintiff’s counsel mailed the Notices in the form approved by the Court to all identified class/collective members via first-class U.S. Mail to last known addresses listed in defendants’ records. Dkt. 19 at ¶ 3. No class members opted out. *Id.* Seventeen non-named plaintiffs submitted claims/opted in (the named plaintiff is deemed to have opted in and submitted a claim under the terms of the settlement agreement). *Id.*

Having read, reviewed, and considered the papers filed in support of final approval of the Settlement, including supporting declarations; Class Counsel’s fee application; the Settlement Agreement; and the pleadings, the Court confirms the findings and conclusions previously presented in the September 14, 2020 order preliminarily approving the Settlement Agreement, Dkt. 15.

In addition to those already stated in connection with preliminary approval, one additional *Linney* factor supports final approval—the reaction of the class members to the proposed settlement. The court-approved notices informed the class members of their right to object in writing or at the final approval hearing to the settlement, the fee application, the service award, or any combination thereof. *See* Exhibit C to Settlement Agreement. No objections to the settlement, class counsel’s fees, or the service award have been filed with the Court, and Class Counsel has confirmed on the record that he has received no such objections. Dkt. 21.

The Court therefore hereby ORDERS that the parties’ Joint Motion for Final Court Approval of Class and Collective Settlement, Dkt. 17, and class counsel’s Motion for award of attorney fees and costs and plaintiff’s motion for approval of service payment, Dkt. 18, are hereby GRANTED, and Final Judgment is hereby entered on the terms provided in the Settlement

Agreement. This Court retains jurisdiction over this case to the extent required to enforce the terms of the settlement.

IT IS SO ORDERED AND ADJUDGED.

DATED this 24th day of December, 2020.

/s/ Jolie A. Russo
Hon. Jolie A. Russo
United States Magistrate Judge